

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

2003 FEB 13 PM 10:14  
U.S. DISTRICT COURT  
DISTRICT OF MASS.

2003 JAN 13 P 4:14

RAMANAN RAMDEO, )  
Petitioner ) U.S. DISTRICT COURT  
v. ) DISTRICT OF MASS.  
United States of America ) Civil Action No.  
Department of Immigration, ) 03cv12443-RCL  
Respondent )

MOTION TO DISMISS

Respondent<sup>1</sup> ICE moves to dismiss this action pursuant to Fed. R. Civ. P. rules 12(b)(6) for failure to state a claim upon which relief may be granted.

L.R. 7.1(A)(2) CERTIFICATE STATEMENT

Respondent respectfully takes the position that because the petitioner is pro se and detained in a State facility, the requirement of L.R. 7.1(A)(2) regarding counsels' certification of resolution efforts is inapplicable. Alternatively, because petitioner is an alien currently incarcerated in a State correctional facility, counsel for the respondent respectfully requests leave to file this Motion without an L.R. 7.1(A)(2) conference.

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<sup>1</sup> As of a DHS restructuring effective June 9, 2003, the responsive successor official of the Department of Homeland Security having control of petitioner's custody in the instant action is Bruce Chadbourne, Interim Field Director for Detention

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

FRANK CROWLEY  
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CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon pro se petitioner by mail on January 13, 2004.

FRANK CROWLEY  
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and Removal, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts.